

**KLEYMAN LAW FIRM**

KLEYMANFIRM.COM

VIA ECF

April 4, 2013

Magistrate Judge Nicholas G. Garaufis  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re:** 1:12-cv-03990 Serebryakov et al v. Golden Touch Transportation of NY, Inc. et al

Dear Honorable Judge Garaufis:

We represent the Plaintiffs in the above-referenced matter. As per the Court's March 21, 2013 directive, we write (i) to advise the Court of the parties' (only as to Plaintiffs and Goldent Touch Transportation of NY) settlement of this matter, and (ii) to request that the Court approve the parties' settlement agreement. Plaintiff is making this motion with the consent of the Defendant, GTT.

Following this Court's November 29, 2012 Order, wherein the Court strongly encouraged the parties to discuss settlement, counsel for both parties started negotiating settlement terms. One of the hold-ups in the negotiations was, whether GTT should be included in this lawsuit. While Defendants maintained that, they were not liable under FLSA for a number of reasons outlined in the Plaintiff's memorandum of law. Plaintiffs disputed defendants reasoning and continue to believe that the motor carrier exemption does not apply in the within case and that the plaintiffs were entitled to recover, overtime pay.

In an effort to find common ground, counsel for both parties agreed that GTT as franchiser would not ultimately be held liable for overtime pay and other causes of action alleged in the complaint. To that end, Plaintiffs entered into a settlement agreement. This resolved all disputes between Plaintiff and GTT only. Plaintiff, however, is continuing this litigation against all other defendants.

Should you have any further questions please do not hesitate to contact me.

Respectfully submitted,

/s/ Steven Yuniver, Esq.

Steven Yuniver, Esq.

**KLEYMAN LAW FIRM**  
KLEYMANFIRM.COM

---

CC: VIA ECF

CHRISTOPHER PARLO  
MELISSA C. RODRIGUEZ  
MORGAN, LEWIS & BOCKIUS LLP  
101 PARK AVENUE | NEW YORK, NY 10178-0600

ALEXANDER PAINE  
ALMONTA LAW FIRM  
2472 McDonald Avenue. Brooklyn, NY 11223